

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORI KNOP,

Plaintiff,

v.

Case No. 14-10185
Honorable Linda V. Parker

MILLICENT WARREN, et al.,

Defendants.

/

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
FEBRUARY 17, 2015 REPORTS AND RECOMMENDATIONS [ECF NOS.
109 & 110]; (2) GRANTING MOTIONS FOR SUMMARY JUDGMENT
FILED BY MDOC EMPLOYEE DEFENDANTS [ECF NOS. 85, 91]; AND (3)
DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE
AGAINST DEFENDANTS WILLIAMS, MAES, AND FIVE UNNAMED
INDIVIDUALS PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 4(m)**

On January 15, 2014, Plaintiff Lori Knop commenced this civil rights action pursuant to 42 U.S.C. § 1983 against numerous defendants. Plaintiff, a now paroled Michigan Department of Corrections (“MDOC”) inmate, alleges that Defendants violated her Eighth Amendment rights while she was incarcerated in that they were deliberately indifferent to her serious medical condition. Specifically, Plaintiff alleges that she was deprived of Armour Thyroid Hormone for the five-month period between September 2012 and January 2013. The matter

has been referred to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 47.)

On September 16, 2014, a motion for summary judgment was filed by Defendants Elizabeth Coe-Boozer and Timothy Kangas. (ECF No. 85.) On September 25, 2014, a motion for summary judgment was filed by Defendants S. Laughunn, Richard Russell, and Frank Van Goethem. (ECF No. 91.) These defendants are or were at all relevant times MDOC employees. Despite being granted several extensions of time to respond to the motions by Magistrate Judge Grand, Plaintiff to date has not filed a response to either motion.

On February 17, 2015, Magistrate Judge Grand issued an R&R, in which he recommends that the Court grant the MDOC Employee Defendants’ motions. (ECF No. 109). In his R&R, Magistrate Judge Grand indicates that the undisputed evidence establishes that Defendants Russell, Van Goethem, and Laughunn lacked the required level of personal involvement to be liable for the alleged constitutional violations. (*Id.* at 5-6.) The most involvement any of these defendants had with respect to Plaintiff’s medical care, Magistrate Judge Grand finds, was with the denial of Plaintiff’s grievances complaining about the fact that

she had not received Armour Thyroid Hormone. (*Id.*) It is well established that an individual's mere participation in the grievance process is insufficient to show personal involvement sufficient to demonstrate liability under § 1983. *See, e.g.*, *Shehee v. Lutrell*, 199 F.3d 295, 300 (6th Cir. 1999). Magistrate Judge Grand then indicates that the undisputed evidence fails to show that Defendants Kangas or Coe-Boozer were deliberately indifferent to Plaintiff's medical needs. (*Id.* at 6-10.)

During the litigation of this matter, Magistrate Judge Grand also issued orders addressing service of Plaintiff's Complaint on seven defendants: Sandra L. Maes, Nurse Williams, Regional Medical Officer (unknown"), Regional Medical Director, Nurse 4 (last name unknown), Grievance Coordinator BOA-HVWCF (last name unknown), and Grievance Coordinator BOA-Bragg (last name unknown). (ECF Nos. 65, 66.) In those orders, Magistrate Judge Grand warned Plaintiff that if service could not be accomplished on these defendants, she may be required to show cause why this action should not be dismissed without prejudice against them.¹ (*Id.*) On January 14, 2015, after service still had not been

¹Magistrate Judge Grand also warned Plaintiff that if she failed to provide information regarding the correct names and addresses of the unnamed, unserved defendants, she may be required to show cause why the action should not be dismissed without prejudice against them. (ECF Nos. 65, 66.)

accomplished on these defendants, Magistrate Judge Grand entered a show cause order requiring Plaintiff to provide correct addresses where each of these seven defendants could be served or show cause why the action should not be dismissed without prejudice against them by January 30, 2015. (ECF No. 105.) Plaintiff neither provided correct addresses for these defendants nor responded in writing to the show cause order.

Therefore, on February 17, 2015, Magistrate Judge Grand issued an R&R recommending that Plaintiff's Complaint be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) against Defendants Nurse Williams, Sandra Maes, and the five unnamed individuals. (ECF No. 110.)

At the conclusion of his R&Rs, Magistrate Judge Grand informs the parties that they must file any objections within fourteen days. (*Id.* at 4-5; ECF No. 109 at 10-11.) He further advises that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*, citations omitted). No objections were filed to either R&R.

The Court has carefully reviewed the R&Rs and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts Magistrate Judge Grand's recommendations in his February 17, 2015 R&Rs.

Accordingly,

IT IS ORDERED, that the motion for summary judgment filed by Defendants Elizabeth Coe-Boozer and Timothy Kangas (ECF No. 85) and the motion for summary judgment filed by Defendants S. Laughunn, Richard Russell, and Frank Van Goethem (ECF No. 91) are **GRANTED**;

IT IS FURTHER ORDERED, that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** against Defendants Sandra L. Maes, Nurse Williams, Regional Medical Officer (unknown"), Regional Medical Director, Nurse 4 (last name unknown), Grievance Coordinator BOA-HVWCF (last name unknown), and Grievance Coordinator BOA-Bragg (last name unknown).

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 11, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 11, 2015, by electronic and/or U.S. First Class mail.

S/ Richard Loury
Case Manager